

# American Electronics Association

Representing the U.S. electronics, software and information technology industries

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ORIGINAL AEA

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William T. Archey  
President & CEO

## VIA HAND DELIVERY

July 20, 2000

The Honorable William Kennard, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. Suite 814  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

OFFICE OF THE CHAIRMAN

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Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT  
Docket No. 99-217 and CC Docket No. 96-98

Dear Chairman Kennard:

I am writing to urge you to adopt rules in the aforementioned proceeding that would allow telecommunications carriers to obtain reasonable and nondiscriminatory access to tenants in multi-tenant environments. The American Electronics Association ("AEA") believes that permitting such access will accelerate the deployment of next generation communications services, thereby providing consumers with greater choices among advanced services providers.

AEA is the largest high-technology trade association in America, representing over 3,000 companies who develop and manufacture software, electronics and high-technology products. Our members include large industry leaders and small and medium sized high-technology companies that are fueling the engine of online commerce. As such, AEA has a distinct interest in promoting efforts that remove barriers to entry for the deployment of facilities necessary to provide high speed Internet access and other advanced services.

The Commission must recognize that despite the intent of the Telecommunications Act of 1996, competitive providers are confronting an unregulated monopoly in the form of building owners who interfere with the flow of communications to consumers. The absence of federal rules governing access to buildings permits building owners and managers to exert considerable control over the development of facilities-based deployment, thereby denying consumers the benefits of choice and competition among advanced telecommunications providers. This is done by denying competitive carriers access to the space necessary for the equipment required to provide facilities-based telecommunications and broadband services, or by charging such high access rates as to eliminate many of the benefits of competition.

In order to bring these benefits to consumers and retain the incentive to build out new facilities, competitive facilities-based carriers must be able to access the tenants in commercial and residential buildings in a timely, reasonable and non-discriminatory manner. Unfortunately, competitive entry and consumer choice are further hindered by the fact that incumbent local

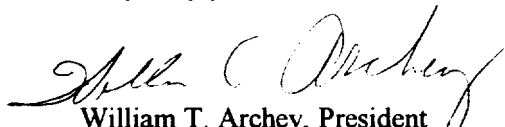


exchange carriers have enjoyed unfettered access to office buildings and apartment complexes for the past 60 years. During that time, they have been able to enjoy monopoly profits from the sale of their services. As a result, ILECs and competitive entrants do not enjoy a level playing field for the delivery of those services. ILECs need only enter the building that houses their equipment, make upgrades, and begin service delivery. New entrants on the other hand, must negotiate access to the building with the building owner. As negotiations for access can take anywhere from six to nine months, competitive deployment and consumer choice is delayed. ILECs, however, operate under no such restrictions and use these artificial advantages to upgrade their facilities for the provision of high speed Internet related services, while competitive carriers must wait for permission to enter in order to deploy their services. In essence, access delayed is access denied for many competitive carriers.

Finally, we recognize that building owners and managers have legitimate concerns regarding the safety of their tenants and liability issues associated with telecommunications carrier access. Therefore, we fully support efforts to couple building access with the provision of compensation to landlords for access insofar as such compensation is reasonable and assessed in a nondiscriminatory and technologically neutral manner.

Please feel free to contact me if you have any questions or concerns.

Very truly yours,



William T. Archey, President  
American Electronics Association

cc: Commissioner Harold Furchgott-Roth  
Commissioner Susan Ness  
Commissioner Michael K. Powell  
Commissioner Gloria Tristani  
Thomas Sugrue (Chief, Wireless Telecommunications Bureau)  
Kathryn Brown (Chief of Staff, Chairman William Kennard)  
Clint Odom (Legal Advisor, Chairman William Kennard)  
Mark D. Schneider (Senior Legal Advisor, Commissioner Susan Ness)  
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Jeffrey Steinberg (Wireless Bureau, Commercial Wireless Division)  
Joel Taubenblatt (Wireless Bureau, Commercial Wireless Division)  
Lauren Van Wazer (Wireless Bureau, Commercial Wireless Division)